IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 287 of 2005

Between:

Praveen Kumar Daga S/o Manikala Daga,
R/o 5-10-68, Krishnpura, Honamkonda, Warangal district

..... PETITIONER

AND

The Additional Assistant Engineer, Distribution, APNPDCL near NIT College, Kagipet, Warangal District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or Direction, more particularly one in the nature of Writ of mandamus declaring the action of the respondent in disconnecting the power supply to service connection No. 220346578 obtained in the year 2002 for the premises bearing Municipal No.1-1-1/A, situated opposite to Tara Gardens, near REC Petrol Bunk, Kazipet, Warangal district without issuing any notice as arbitrary, illegal, unfair, unjust and violative of article 14 and 21 of the Constitution of India and consequently direct the respondent to restore the power supply to Service No. 220346578, forthwith in the interest of justice and pass such other order or order

Counsel for the Petitioner:MR.P.KESAVA RAO

Counsel for the Respondent : MR.M.SREERAMULU REDDY

The Court at the stage of admission made the following :

ORDER:

The premises belonging to the petitioner was extended the power supply through service connection No.220346578, in the year 2002. Petitioner complains that the power supply was abruptly disconnected by the respondents on 11.01.2005. He states that he was not issued any notice or an order of provisional or final assessment and that the action of the respondents cannot be sustained in law.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

Petitioner has placed before this Court the receipt, dated 10.01.2005, for payment of the bill for the month of January 2005. According to him, no proceedings intimating any default or other acts or omissions, was issued to him and the power supply was disconnected on 11.01.2005.

The respondents are entitled to disconnect the power supply either when the consumer commits default in payment of bills, or when he found to have resorted to acts of pilferage or mal-practice. In view of the fact that the petitioner paid the consumption charges on 10.01.2005, much before the due date of 14.01.2005, he cannot be treated as defaulter. In case, the respondents are of the view that the petitioner is guilty of any mal-practice or pilferage, they are under obligation to initiate proceedings under Section 126 of the Electricity Act, 2003 (for short 'the Act'). Orders of provisional and final assessments are required to be passed therein. The question of disconnecting any power supply without initiating such proceedings

does not arise. It is represented that pursuant to the interim orders granted by this Court on 20.01.2005, the power supply has been restored to the petitioner.

The writ petition is accordingly disposed of directing that the respondents shall continue the supply to the petitioner, as long as he pays the consumption charges. In case, the respondents intend to disconnect the power supply on any other form, it shall be open to them to do so, only after complying with the procedure prescribed under Section 126 of the Act.

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L.NARASIMHA REDDY, J

Dated : 21.02.2005

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To

1 The Additional Assistant Engineer, Distribution, APNPDCL near NIT College, Kagipet, Warangal District

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